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10/031,452	03/06/2002	Yoshinobu Hara	108426-00013	6925
4372	7590	10/11/2007	EXAMINER	
ARENT FOX LLP			LIU, I JUNG	
1050 CONNECTICUT AVENUE, N.W.			ART UNIT	
SUITE 400			PAPER NUMBER	
WASHINGTON, DC 20036			3694	
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			10/11/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

DCIPDocket@arentfox.com  
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<b>Office Action Summary</b>	Application No. 10/031,452	Applicant(s) HARA ET AL.	
	Examiner Marissa Liu	Art Unit 3691	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 June 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6, 8 and 12-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6, 8 and 12-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some    \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. This action is in response to a reply submitted 6/22/2007. Claims 1-4, 6, 8, and 12-15 are pending for examination. After careful consideration of Applicant's arguments, the rejection of claims 1-3 and 12-14 are maintained and the rejection of claims 4, 6, 8 and 25 are withdrawn. New grounds of rejection of claims 4, 6, 8 and 15 are given as set forth in detail below.

#### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3 and 12-14 are rejected under 35 U.S.C. 102(b) as being unpatentable by Walker et al., U.S. Patent No.: 5,794,207 (PTO-892 form A).

3. As per claim 1, Walker et al. teaches a system for determining overall capability of a trading partner, in a bidding system with which trading partners present their bidding prices via a network, in response to a matter presented by a buyer company, comprising:

a trading partner database for storing data representing capabilities of the trading partners, in numerical form; and a controller arranged to read the data on the trading partners represented in numerical form (see column 12, lines 54-67, column 13, lines 10-22, column 16, lines 29-43 and column 19, lines 18-21) from the trading partner database

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(see column 13, lines 11-22), on receiving the bidding prices and to select a trading partner or trading partners for the matter, based on the bidding prices and the data represented in numerical form (see column 11, lines 44-50, column 16, lines 29-43 and column 33, line 66-column 34, line 4) .

4. As per claim 2, Walker et al. teaches a system for determining overall capability of a trading partner, according to claim 1 described above. Walker et al. further teaches:

wherein the data representing capabilities of the trading partners (see column 12, lines 13-15 and 56-67) , in numerical form, stored in the trading partner database are data representing capabilities of the trading partners on a plurality of estimation items, in numerical form, based on any of information on the trading partners, obtained from the trading partners (see column 13, lines 11-38 and column 16, lines 29-43), information concerning estimation of the trading partners, kept by the buyer company and business information concerning the trading partners (see abstract and column 9, lines 14-22), obtained from external credit-ranking agencies (see column 9, lines 1-22).

5. As per claim 3, Walker et al. teaches a system for determining overall capability of a trading partner, Walker et al. teaches according to claim 1 described above. Walker et al. further teaches:

wherein the controller is further arranged to weight the data indicating capabilities of the trading partners, in numerical form, according to an article subjected to the bidding and to select a trading partner or trading partners for the matter, based on bidding prices of the trading partners and the weighted data represented in numerical form (see column 16, lines 12-45 and column 13, lines 17-38).

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6. As per claim 12, Walker et al. teaches a method for comprehensively determining a trading partner by a system comprising a database storing data representing capabilities of trading partners, in numerical form and a controller, the method comprising the following steps performed by the controller:

receiving bidding prices from the trading partners (see column 13, lines 23-34); reading data on the trading partners, in numerical form, from the trading partner database (see column 13, lines 10-38 and column 16, lines 12-45); and selecting a trading partner or trading partners for the matter based on the received bidding prices and the read data represented in numerical form (see column 11, lines 44-50, column 16, lines 29-43 and column 33, lines 66-column 34, line 4).

7. As per claim 13, Walker et al. teaches a method for comprehensively determining a trading partner, according to claim 12 described above. Walker et al. further teaches wherein the data representing capabilities of the trading partners, in numerical form, stored in the trading partner database are data representing capabilities of the trading partners on a plurality of estimation items, in numerical form, based on any of information on the trading partners, obtained from the trading partners, information concerning estimation of the trading partners, kept by the buyer company and business information concerning the trading partners (see column 11, lines 44-50, column 16, lines 29-43 and column 33, lines 66-column 34, line 4), obtained from external credit-ranking agencies (see column 9, lines 1-22).

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8. As per claim 14, Walker et al. teaches a method for comprehensively determining a trading partner, according to claim 12 described above. Walker et al. further teaches the following steps performed by the controller:

Weighing the data representing capabilities of trading partners, in numerical form, according to an article subjected to the bidding (see column 16, lines, lines 29-43); and selecting a trading partner or trading partners for the matter, based on the bidding prices and the weighted data represented in numerical form (see column 11, lines 40-50 and column 33, line 66-column 34, line 2).

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 4, 6, 8 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al., U.S. Patent No.: 5,794,207 (PTO-892 form A) in view of Official Notice.

11. As per claim 6, Walker et al. teaches a system for determining overall capability of a trading partner, according to claim 1 described above. Walker et al. does not teach wherein the controller is further arranged to choose a selecting routine from a plurality of predetermined selecting routines, according to an article subjected to the bidding and to select a trading partner or trading partners for the matter by executing the chosen

selecting routine. Official Notice is taken that choose a selecting routine and to select a trading partner or trading partners is old and well know in the business of auction as a convenient way for the auction system to select the appropriate trading partner. It would been obvious to add choose a selecting routine and to select a trading partner or trading partners to the system for determining overall capability of a trading partner.

12. As per claim 4 or 8 or 15, Walker et al. teaches the system for determining overall capability of a trading partner, according to claim 3 or 6 or 14 described above. Walker et al. does not teach wherein the controller is further arranged to represent a difference between the bidding price and a target price predetermined for the matter, in numerical form, to add the price difference represented in numerical form to the weighted data represented in numerical form and to select trading partners in order of decreasing value of the data represented in numerical form, after the addition. Official Notice is taken that to represent a difference between prices, to add the price difference to the data and to select trading partners in order of decreasing value of the data is old and well know in the business of auction as a convenient way for the auction system to select the appropriate trading partner. It would been obvious to add represent a difference between prices, to add the price difference to the data and to select trading partners in order of decreasing value of the data to the system for determining overall capability of a trading partner.

***Response to Arguments***

13. Applicant's arguments for claims 4, 6, 8 and 15 filed 6/22/2007 have been fully considered but they are not persuasive.

14. Applicant's arguments for claims 1-3 and 12-14 filed 6/22/2007 have been fully considered but they are not persuasive.

The Applicant argues that Walker does not disclose or suggest a trading partner database for storing data representing capabilities of the trading partner, in numerical form. The Examiner disagrees. Walker et al. discloses "seller database 260 maintains data on sellers with fields such as name, contact information, public/ private key information, payment preferences, type of business, and goods sold ... Upon registration, the seller may be required to demonstrate evidence of ability to deliver on bound CPOs 100. An airline for example, might submit a listing of the city pairs they service so that the central controller 200 can quickly determine whether the airline is capable of satisfying a given CPO 100" (column 13, lines 11-21) and "window seat is worth two points, an aisle seat is one point, a nonstop flight four points, etc. CPO 100 could require that ten "points" must be met in order to satisfy the conditions of CPO 100. Conditions could also indicate that for twenty-four hours following the first attempted binding of CPO 100, other sellers may make offers to bind, with the original binding seller completing the contract if no better offer has received" (column 16, lines 29-45). Therefore, Walker et al. teaches the claimed limitation.

***Conclusion***



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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marissa Liu whose telephone number is 571-270-1370. The examiner can normally be reached on IFP.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander G. Kalinowski can be reached on 571-272-6711. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Stefano Karmis